

REGULAR CITY COUNCIL MEETING

JANUARY 7, 1985

PRESENT

Grant S. Nielson  
Don Dafoe  
Neil Dutson  
Gayle Bunker  
Ruth Hansen  
Craig Greathouse

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan  
Dorothy Jeffery  
Warren Peterson  
Bryce Ashby  
John Quick  
Richard Turner  
Greg Nielson  
Jim Fletcher

City Manager  
City Recorder  
City Attorney  
City Fire Chief  
City Engineer  
Robison, Hill & Co.  
Robison, Hill & Co.  
KNAK Radio Station

Mayor Grant Nielson called the meeting to order at 7:00 p.m. and stated that Notice of the meeting time, place and agenda were posted at the principle office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two (2) days prior to the meeting.

Following reading of the notice of the meeting, the City Council, with Mayor Grant S. Nielson acting as chairman, considered the following business as contained in the meeting agenda:

APPROVAL OF MINUTES

The minutes of a Regular City Council Meeting held July 2, 1984, were reviewed and corrected. Council Member Ruth Hansen MOVED to accept the minutes as corrected. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

The minutes of a Regular City Council Meeting held July 9, 1984, were reviewed and corrected. Council Member Don Dafoe made a MOTION to accept the minutes as corrected. Council Member Craig Greathouse SECONDED the motion, which passed unanimously.

The minutes of a Regular City Council Meeting held November 19, 1984, were reviewed and corrected. Council Member Ruth Hansen MOVED to accept the minutes as corrected. Council Member Don Dafoe SECONDED the motion, which passed unanimously.

The minutes of a Special City Council Meeting held November 28, 1984, were reviewed. Council Member Ruth Hansen MOVED to accept the minutes as presented. Council Member Gayle Bunker SECONDED the motion, which passed unanimously.

#### ACCOUNTS PAYABLE

The Council members discussed the accounts payable as contained in the list previously distributed to Council members. After discussion, Council Member Don Dafoe MOVED to approve payment of the accounts listed, including payment of the additional statements from the Animal Control Office and the City Attorney. Council Member Craig Greathouse SECONDED the motion. The motion passed unanimously.

#### CITY ATTORNEY WARREN PETRSON: ORDINANCE VACATING A PORTION OF WILLOW STREET IN THE WHITE SAGE SUBDIVISION

Mayor Nielson requested that City Attorney Warren Peterson explain the purpose of the proposed ordinance to the Council members. Mr. Peterson said that the ordinance was prepared at the instruction of the City Council to vacate a portion of Willow Street to resolve a setback violation on Lot 12 of the White Sage Subdivision. He said that the petitions for street vacation have been received from the owners of all adjoining property and that a legal description for the portion of the street to be vacated had been prepared by Caldwell, Richards & Sorensen, the engineering firm which designed the subdivision. Questions were raised by the Council members regarding the effect of the ordinance, responsibility for the costs of the engineering work, preparation and publication of the ordinance.

After these questions were discussed by the Council members, Council Member Don Dafoe MOVED to adopt Ordinance No. 85-89 vacating a portion of Willow Street lying adjacent to Lots 8 through 13 in the White Sage Subdivision and further MOVED that all expenses incurred in this change be reimbursed by the contractor who built the house on Lot 12 which encroached on the City right-of-way. Council Member Gayle Bunker SECONDED the motion, which passed unanimously.

Mayor Nielson instructed Doyle Bender to issue a billing to Pendray Construction for the engineering fees, attorney's fees and publication costs for Ordinance No. 85-89.

#### MAYOR GRANT S. NIELSON AND CITY MANAGER JIM ALLAN: FINAL PAYMENT TO ARCHITECT OF DELTA MUNICIPAL BUILDING

Mayor Nielson requested that City Manager Jim Allan report to the Council on the status of negotiations with Dana, Larson, Roubal & Associates, the architects on the Delta Municipal Building. Mr. Allan reminded the Council

members that Randy Green of Dana, Larson, Roubal & Associates had attended the City Council meeting held on December 17, 1984, to discuss the architect's fee with the Council. Mr. Allan and Mayor Nielson subsequently met at Randy Green's office, Mr. Allan said. Mr. Allan explained that some of the Council members had felt that there was a limit of \$60,000 on the architectural and engineering fees for the City building, but when the original building designed for occupancy by Delta City, Millard County and State of Utah offices was redesigned to a City office, there were additional fees charged of approximately \$14,000.

Mr. Allan said he had requested that Dana, Larson, Roubal forgive \$1,498 interest that the architects had charged on the unpaid balance of their fees and had suggested that the City would then pay the balance. This would leave a total of approximately \$4,165 that would not be funded by the grants and bonds used to finance the building project. The Council members concurred that the architect's fee should be paid, but directed Mr. Allan to negotiate to see if the interest could be forgiven and to report back to the Council at their next meeting.

FIRE CHIEF BRYCE ASHBY: RECOMMENDATIONS FOR DELTA CITY FIRE DEPARTMENT OFFICERS

Mayor Nielson recognized Delta City Fire Chief Bryce Ashby and requested that he make recommendations to the Council for appointment of fire department officers.

Mr. Ashby said that the fire department by-laws require that the fire department members elect officers each year and that elections had been held for calendar year 1985. He also said that the officers so elected must be approved by the City Council. Chief Ashby then reported that the following officers had been elected by the department members and requested that the City Council approve their appointment:

Fire Chief	Bryce Ashby
Assistant Fire Chief	Devon Peterson
First Lieutenant	Steve Riding
Second Lieutenant	Lynn Ashby
Secretary/Treasurer	Don Robison

After Chief Ashby completed his recommendation, Council Member Craig Greathouse MOVED to approve the officers as elected by the fire department members. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

ROBISON, HILL & CO.: AUDIT REPORT FOR FISCAL YEAR ENDING JUNE 30, 1984

Mayor Nielson requested that Richard Turner, CPA, and Gregory Nielson, CPA, of Robison, Hill & Co. present the audit report for the fiscal year ending June 30, 1984.

Richard Turner stated that a copy of the audit report had been sent to the State of Utah, as the audit submission date was December 31, 1984. Greg Nielson then presented copies of the audit report to the City Council members, reviewed each portion of the audit report and responded to questions from Council members. During his presentation, Mr. Nielson recommended that the City increase the fidelity bond limit on the City Treasurer position from \$50,000 to \$200,000. Mr. Nielson also reported that the surplus accumulated in the general fund exceeded statutory limits because the funds appropriated for purchase of a fire truck had not been expended, even though the truck has been ordered. He recommended that the State Auditor's office be notified of the reason for the surplus.

After the presentation by Messrs. Turner and Nielson, Council Member Craig Greathouse MOVED that the audit report for the fiscal year ending June 30, 1984, as prepared by Robison, Hill & Co. be approved. Council Member Gayle Bunker SECONDED the motion, which then passed unanimously.

CITY ENGINEER JOHN QUICK: PARTIAL PAYMENT REQUEST NO. 3 FOR INTERSTATE CONSTRUCTION COMPANY

Mayor Nielson requested that City Engineer John Quick explain the partial payment request from Interstate Construction Company. Mr. Quick stated that Interstate Construction Company had submitted Partial Payment No. 3 on Sewer Improvements Project, Phase III, Schedules 1 and 2. Mr. Quick said that he had reviewed the request. He recommended approval of \$174,103.70, less the 10% retainage required by the contract of \$17,414.40, leaving a net payment of \$156,729.30. Mr. Quick also presented Change Order Request No. 1 from Interstate Construction requesting extra payment for transporting dike construction material from off the site. The request sought \$35,050 additional payment. The change order request also requested an extension of time for project completion due to bad weather conditions. Mayor Nielson recommended that the change order request be tabled until the next Council meeting.

After discussion of the contract status, Council Member Gayle Bunker MOVED to pay Interstate Construction Company the amount recommended by Mr. Quick. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

CITY ATTORNEY WARREN PETERSON: WATER DEDICATION FOR RANCHO MOBILE HOMES ANNEXATION

Mayor Nielson asked City Attorney Warren Peterson to report the status of the water rights dedication for the Rancho Mobile Homes Annexation. Mr. Peterson reported that Rancho Mobile Homes has contracted to buy 125.40 acre feet of annual underground water rights for dedication to the City. He said the present owner of the water rights has filed a change application seeking authorization to divert those water rights through the Delta municipal water system. Mr. Peterson said the change application has now been approved and that Rancho Mobile Homes is prepared to convey the water rights to Delta City. Mr. Peterson also said that the Rancho Mobile Homes has met the requirements of the annexation ordinance annexing the Rancho Mobile Homes park.

After further discussion, Council Member Ruth Hansen MOVED that the Rancho Mobile Homes property be inspected to see that all of the facilities required under the annexation ordinance were completed and that a resolution be prepared declaring the annexation complete. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: REPORT ON ADVERTISING FOR BUILDING INSPECTOR POSITION

At the request of Mayor Nielson, City Manager Jim Allan reported that he had talked with Millard County Building Inspector Steve Young, as directed at the previous Council meeting, to request that Mr. Young also serve as the Delta City Building Inspector. Mr. Allan said that Steve Young had accepted that responsibility, but that Mr. Young has now accepted employment as the City Manager of Fruit Heights, Utah; therefore, he will no longer be able to serve as the Millard County or Delta Building Inspector. Mr. Allan said that Millard County and Delta City will both be without a certified building inspector after January 31, 1985, and that many questions had been asked of him regarding the hiring of a new building inspector. Mr. Allan requested that the Council decide whether to hire its own building inspector or to contract with Millard County for joint hiring of the building inspector. Mr. Allan also requested instructions on whether a local person should be hired as building inspector, even if no certified building inspectors are available locally. He suggested the City Council may wish to hire a building inspector who was not certified by the International Conference of Building Officials, but require certification within six months. Mr. Allan was instructed by the Council to meet with the Millard County Administrator and report back to the Council on the policy that Millard County would be adopting.

CITY MANAGER JIM ALLAN: REVIEW OF JANITORIAL SERVICES BIDS FOR DELTA MUNICIPAL BUILDING

Mr. Allan reported that the following bids were received in response to the Advertisement for Bids for janitorial services for the Delta Municipal Building:

Clara Parkinson	\$1,300.00
David L. Corey	\$1,150.00
J & J Enterprises	\$1,460.25

Council members discussed the qualifications of each bidder and the limitations contained in the bid submitted by J & J Enterprises.

After the bids were reviewed and discussed, Council Member Craig Greathouse MOVED to accept the low bid from David L. Corey. Council Member Don Dafoe SECONDED the motion, which passed by a majority vote, with Council Member Neil Dutson voting no.

The Council members requested that the cancellation notice period under the janitorial services contract be reduced from the six months advertised in the notice for bids to 90 days. Mayor Nielson instructed Mr. Allan to

negotiate with David L. Corey whether the reduction in the notice period would be acceptable to him. Mayor Nielson also instructed City Attorney Peterson to prepare a written agreement between Delta City and David L. Corey for janitorial services.

CITY MANAGER JIM ALLAN: PRESENTATION OF BIDS RECEIVED ON PICKUP TRUCK FOR WATER AND SEWER DEPARTMENT

Mr. Allan reported that only one bid had been received after the advertised notice for bids. The bid was submitted from Riding Ford in the amount of \$7,752.56. The bid said that the specifications would be met, but that the truck would have to be ordered from the factory. Riding Ford also submitted a written offer to sell the City a truck presently in stock at a price of \$7,700. The truck has several equipment options in addition to those contained in the Delta City specifications, but did not have power brakes and was silver instead of tan in color.

After discussion, Council Member Don Dafoe MOVED to accept the offer from Riding Ford to purchase the vehicle presently in stock for \$7,700. Council Member Gayle Bunker SECONDED the motion, which carried unanimously.

CITY MANAGER JIM ALLAN: DISCUSSION OF POSSIBLE AMENDMENTS TO BUSINESS LICENSE ORDINANCE

Mayor Nielson requested that Jim Allan present a recommendation regarding possible revisions of the business license ordinance. Mr. Allan recommended that the City Council schedule time at a regular or special meeting of the City Council for a complete review of the business license ordinance to determine whether changes should be made. He suggested that the Council review the fee schedules, the classification of businesses under the fee schedule and hear reports on special problems with the business licensing program. He said that after such a review, the Council could determine if any changes should be made in the ordinances. The Council discussed illustrative problems encountered in business licensing and potential dates for a meeting, but took no formal action.

MAYOR GRANT NIELSON: MEETING WITH THE PLANNING AND ZONING COMMISSION TO HEAR REPORT FROM KEITH TAYLOR ON PROPOSED ANNEXATION

Mayor Nielson stated that Keith Taylor, Jr., representing owners of land located near the Delta Municipal Airport, has presented a preliminary plan for an annexation to and including the airport property and plans for long term development of the property. Mr. Taylor had requested a joint meeting of the City Council and the Planning and Zoning Commission for presentation of the annexation proposal. Mayor Nielson recommended that the meeting be set for Wednesday, January 16, at 7:00 p.m. The Council members each agreed to hold the meeting on that date and time.

RECOMMENDATION FROM PLANNING AND ZONING COMMISSION FOR AMENDMENT TO  
SUBDIVISION ORDINANCE FOR "SHORT PLAT"

Mayor Nielson requested that Craig Greathouse present the recommendation from the Planning and Zoning Commission for an amendment to the subdivision ordinance to provide for approval of "short plat" subdivisions. Mr. Greathouse explained that the Planning and Zoning Commission had reviewed a recommended amendment to the Delta City Subdivision Ordinance within the platted areas of Delta City. He explained that the recommendation had been prepared by City Attorney Warren Peterson and Planning Consultant John Willey. Mr. Greathouse reviewed the recommendation, after which Council Member Don Dafoe MOVED that City Attorney Warren Peterson be instructed to draft an ordinance amending the subdivision ordinance to include the criteria contained in the Planning and Zoning Commission recommendation and the City Council discussion. Council Member Ruth Hansen SECONDED the motion, which passed unanimously.

APPROVAL OF FINAL PLAT FOR PHASE B OF MEADOW PARK SUBDIVISION

Mayor Nielson said that this item had already been approved at a previous meeting. He therefore passed to the next item on the agenda.

DISCUSSION OF BUILDING INSPECTIONS MADE FOR HINCKLEY TOWN BY DELTA CITY  
BUILDING INSPECTOR

Mayor Nielson asked Jim Allan to explain a letter received from the Hinckley Town Council requesting a reduction of \$630 in the billing for inspections made in Hinckley Town by the Delta City Building Inspector. Mr. Allan said that inspections in Hinckley were done pursuant to an agreement previously approved between Hinckley Town and Delta City where each inspection in Hinckley Town would be billed at a set fee. A billing was sent to Hinckley Town, he said, based on inspection reports submitted by former Delta City Building Inspector, Ray Valdez. Hinckley Town had responded with a letter saying that their records indicated fewer inspections had actually been made than had been charged by Mr. Valdez.

Council Member Neil Dutson said he thought the records maintained by Hinckley would be accurate. He therefore MOVED that the billing sent to Hinckley Town be reduced by \$630 to a total of \$1,308. Council Member Don Dafoe SECONDED the motion, which passed unanimously.

OTHER BUSINESS

Mayor Nielson requested other business which should be considered at future City Council meetings.

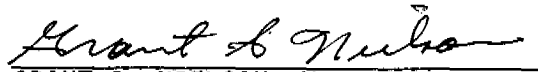
Council Member Don Dafoe requested that the City Engineer give a status report on the Delta City Street Improvements Project for the next Council meeting.

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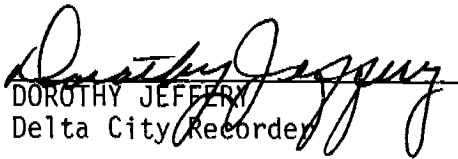
City Manager Jim Allan requested time on the next agenda to discuss changes to the sick leave and compensation time portions of the Personnel Policies Manual.

The Council members concurred that the next regular Council meeting should be held on January 21, 1985.

Council Member Neil Dutson then MOVED to adjourn the meeting; his motion was SECONDED by Council Member Gayle Bunker and passed unanimously. Mayor Nielson then declared the meeting adjourned at 10:35 p.m.

  
GRANT S. NIELSON, Mayor

ATTEST:

  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: January 28, 1985